

1 earlier rulings because now you've said that that is, in fact,
2 what you're doing.

3 You're asking the Judge to reconsider his failure to
4 strike this earlier and usually the way that's done in these
5 cases is to say, "Your Honor, now that you've heard XYZ from
6 the witness, although you didn't strike it earlier, I now
7 would like you to strike it." Well, I haven't heard anything
8 from the witness that would bring about a different result.

9 JUDGE FRYSIK: I'm going to sustain the objection,
10 you know, conferring my earlier ruling because I believe
11 discussion with counsel really pertains to the aspect of
12 financial qualification technicality-wise and not on the basis
13 of intent. So it's relevant, it's germane, but it's still
14 subject to -- the contents of the discussion is still subject
15 to the attorney/client privilege.

16 MR. MILLER: Just so that I understand, Your Honor.
17 I don't want to belabor the point, but the references to
18 counsel are not to be considered in deciding the misrepresen-
19 tation issue.

20 JUDGE FRYSIK: I'm not saying that. You're saying
21 that.

22 MR. MILLER: No, I'm saying that --

23 JUDGE FRYSIK: You can make that argument in your
24 proposed findings.

25 BY MR. MILLER:

1 Q While you have that there, Ms. Selznick, at the
2 bottom of Page 3, you discuss a telephone call you had with
3 Mr. Dailey and you say, "He pulled up his then-current balance
4 sheet on his computer screen in California ..."

5 A That's right.

6 Q It's right there. And then continuing on Page 4,
7 you say, " ... we went over his net liquid assets item by
8 item." Now, let me refer you to Appendix A of Exhibit 5.

9 JUDGE FRYSIK: What does she want?

10 MR. MILLER: Appendix A.

11 BY MR. MILLER:

12 Q Now, Appendix A was printed out in the summer of
13 1993. Is that correct?

14 A That's right.

15 Q Do you have personal knowledge that the items listed
16 on Appendix A were, in fact, those which appeared on Mr.
17 Dailey's computer screen during your telephone conversation?

18 A You mean do I recall the specific numbers that he
19 read to me over the telephone?

20 Q That's not the question, but let's answer that one
21 first.

22 A No, I don't recall the specific numbers he read to
23 me over the telephone.

24 Q Now, when you say, "... we went over his net liquid
25 assets item by item," looking at Appendix A, which items

1 comprised his net liquid assets?

2 A Well, certainly cash and partnership profits and
3 partnership inventory interest. I think those were -- those
4 were the three that were considered liquid.

5 Q Did you discuss what was meant by partnership
6 profits with Mr. Dailey during that phone conversation?

7 A I don't recall.

8 Q Do you today have an understanding of what is meant
9 by the item partnership profits on Appendix A?

10 A Mr. Dailey's testified about this and I -- if I
11 recall correctly, it was profits from Breed, Abbott and Morgan
12 that he was entitled to based upon his former association with
13 Breed Abbott as a partner.

14 Q Do you recall in 1991, had this discussion of Mr.
15 Dailey's finances with him, whether you discussed the way
16 these partnership profits were being paid out to him?

17 A I think we discussed that he expected them within a
18 certain amount of time.

19 Q And what was that amount of time?

20 A I don't remember.

21 Q Did you have knowledge from your involvement with
22 the Breed Abbott firm of how these partnership profits were
23 being paid out?

24 A At that time, no.

25 Q Isn't it correct that these profits were basically

1 being paid out over a period of years?

2 A I don't know.

3 Q Did you have discussions during this 1991 telephone
4 conversation with Mr. Dailey about the partnership inventory
5 interest?

6 A I don't recall.

7 Q Did you, in 1991, have an understanding of what was
8 meant by partnership inventory interest?

9 A I don't think so.

10 Q In your conversation -- strike that. Did you have
11 more than one conversation with Mr. Dailey before you filed
12 your application in which you discussed his assets?

13 A In which we discussed his assets?

14 Q Right.

15 A No.

16 Q So we're talking about one conversation here.

17 A About the assets.

18 A About the assets, right.

19 A Uh-huh.

20 Q In that one conversation, did Mr. Dailey indicate
21 what he considered his liquid assets to be?

22 A We had a -- part of the way that this came up was he
23 said -- I said, "You need to have net liquid assets of about
24 \$360,000," and he said, "Well, that depends on what the
25 Commission considers liquid," because the case that we'd been

1 involved in together since 1987 and since he's been on since
2 1985 involves a lot of accounting questions and he's read a
3 lot of accounting literature.

4 And he said, "One person's definition of liquid is
5 very different from another's," and then he looked at his
6 computer screen and he said, "Well, under anybody's defini-
7 tion, cash is liquid," and then he said, "Well, under GAAP --
8 if they follow GAAP, the partnership profits would be also
9 liquid," and that's how we proceeded. He was basing it on his
10 knowledge of GAAP.

11 Q GAP meaning?

12 A Generally Accepted Accounting Principles.

13 Q Did you, at any time, compare any Commission policy,
14 in terms of what the FCC considers liquid assets, with general
15 accounting principles?

16 A I recall -- and I'm not sure what I was reading, it
17 may have been the instructions to the FCC Form 301 --that
18 there was a reference to following GAAP which then satisfied
19 me that we were following GAAP.

20 Q Now, let's go back to your budget again and if you
21 want to refer to it --

22 MR. THOMPSON: By budget, Your Honor, is he
23 referring to the revised budget that's part of the Exhibit 5?

24 MR. MILLER: No, no. The budget -- the pages that I
25 ad -- she had prepared that was the basis for the original

1 figure of \$360,070.

2 MR. THOMPSON: You're talking about the budget that
3 was prepared in 1991.

4 MR. MILLER: That's right. If you don't mind me
5 showing it to you.

6 BY MR. MILLER:

7 Q You intended, in 1991, to move to California, didn't
8 you, at the time that you filed your application, should you
9 get the station?

10 A Oh, yes. I intended to move to California
11 regardless at that time.

12 Q But you would certainly would move if you got the
13 station.

14 A Certainly.

15 Q Am I correct that your budget does not include any
16 cost of -- involved in the actual move to California?

17 A Yes.

18 Q I am correct?

19 A Yes.

20 Q Did your budget in 1991 propose that you would draw
21 a salary during the first three months of operation?

22 A No.

23 Q Did your budget include an allowance for your living
24 expenses during the first three months of operation?

25 A No.

1 Q Let's go back to Page 3 of Exhibit 4 for a second.
2 At the third line from the bottom, you use the term net liquid
3 assets.

4 A Right.

5 Q What was your understanding of the term net liquid
6 assets when you had the conversation with Mr. Dailey that you
7 spoke about a few minutes ago?

8 A I'm not certain I had an understanding at that time.
9 It was just what was required on the -- by the instructions, I
10 think it was, or the form itself.

11 Q Do you have an understanding today of what is meant
12 by net liquid assets?

13 A Yes. I'm not sure I can recite it for you, but it
14 is in the instructions.

15 Q The term or the definition?

16 A I think the definition.

17 Q Had you reviewed the instructions to the FCC Form
18 301 prior to the time you had this conversation with Mr.
19 Dailey in which you say you told him that he had to have net
20 liquid assets equal to the total amount of your costs?

21 A I probably had, but I don't know that I was focusing
22 on that point.

23 Q Do you recall if you provided Mr. Dailey, during or
24 prior to this conversation that we talked about, with the
25 Commission's definition of net liquid assets?

1 A I'm pretty certain I did not.

2 Q Let's turn now to Exhibit 5. Now, down at the
3 bottom of the page, you testified --

4 A That's the first page?

5 Q Yeah, the first page, "based on professional advice
6 from inter alia ... Miller and Associates," that most of the
7 needed equipment for your station could be purchased used.
8 Who else did you rely on in addition to Miller and Associates?

9 MR. THOMPSON: For that proposition.

10 MR. MILLER: For that proposition.

11 WITNESS: I'm trying to remember. I know I spoke
12 with several brokers and consultants at that time, one after
13 another, on the same day or two, and at least -- at least one
14 of them, possibly more, told me that my cost estimate was way
15 high. I also -- I also had heard that -- before that used
16 equipment would be available. I don't remember where. And I
17 also knew that, of my own personal knowledge from when I was
18 running my -- when I was running the radio station in Ithaca,
19 that there was a market out there in used radio equipment.

20 BY MR. MILLER:

21 Q Was one of the people that you spoke to Elliott
22 Evers?

23 A I did speak with Elliott Evers.

24 Q And isn't it true that he told you that it usually
25 costs 2 to 300,000 dollars to put on a station, that you'd be

1 hard-pressed to put it on for a 100,000 dollars?

2 A Can I see the document you're reading from?

3 Q I have the document that was exchanged in discovery
4 which I'll show the witness.

5 A He said hard-pressed to put on -- well, my notes
6 from the conversation say "Hard-pressed to put on air for
7 100,000. Usually use 300,000." He wasn't one of the -- he
8 wasn't the one I was referring to. There was someone else
9 that I spoke to.

10 Q You did have -- I mean, this accurately reflects the
11 conversation you had with Mr. Evers, doesn't it, your notes?

12 A It's an abbreviated version, yes.

13 Q And to your knowledge, is Mr. Evers a consultant in
14 the radio business?

15 A Mr. Evers is a media broker who deals with larger
16 properties than the one I was proposing to build. I know this
17 because prior to the time that the El Rio frequency was
18 allotted, I was looking to purchase this station and Ms. Evers
19 would barely speak to me because of the amounts of money we
20 were talking about. He was used to dealing -- or seemed to
21 only want to deal with much more expensive properties.

22 Q Well, the notes that I just showed you here reflect
23 a telephone conversation you had with Mr. Evers, doesn't it?

24 A That's right.

25 Q And you called him, didn't you?

1 A I did.

2 Q Now, let's go to Page 2 of Exhibit 5, Paragraph 3.
3 You talk about being assured by your radio consultant that you
4 will be able to get the studio improvements included in the
5 rent base and up to six months of free rent. Do you see that?

6 A Right. With a multi-year lease, right.

7 Q Now, is this -- Miller and Associates that you refer
8 to is your radio consultant?

9 A Yes.

10 Q Did Miller and Associates tell you this orally or in
11 writing?

12 A In writing.

13 Q Did you also have oral discussions about getting the
14 improvements -- studio improvements included in the rent base
15 and up to six months free rent?

16 A Yes. I guess I should've said both, in writing and
17 orally.

18 Q Did Mr. Miller indicate that he had spoken to
19 specific landlords in the El Rio area about these matters?

20 A I don't recall.

21 Q Did he, at any time, give you the basis, other than
22 what's stated here, that Ventura County is a competitive
23 rental market?

24 A Well, Mr. Miller lives and works right outside of
25 Ventura County -- he's from Moorpark, California -- and has a

1 real working familiarity with the area.

2 Q And is that what he told you?

3 A I know that, yeah.

4 Q Did Mr. Miller say that these up to six months free
5 rent would occur at the beginning of the lease as opposed to
6 at some other point during the multi-year lease?

7 A That was my understanding. I don't -- I don't know
8 if he clearly said it, but that was certainly my understanding
9 and that's usually the way these things work.

10 Q Let me show you a letter dated August 26, 1993
11 signed by Brett Miller to you. I have a copy for your counsel
12 and for His Honor. It's three pages. I'd call your attention
13 -- well, first of all, do you remember receiving this letter?

14 A Yes.

15 Q From Mr. Miller?

16 A Yes.

17 Q Shortly after August 26, 1993.

18 A Right.

19 Q Let me call your attention to the bottom of the
20 second page and ask you to read to yourself the last paragraph
21 on the second page.

22 MR. THOMPSON: Excuse me, Your Honor. Mr. Miller
23 would like the witness to read which paragraph specifically?

24 MR. MILLER: The last paragraph on the second page
25 beginning "studio rental."

1 MR. THOMPSON: And that's the only paragraph?

2 MR. MILLER: At the moment.

3 WITNESS: Okay.

4 BY MR. MILLER:

5 Q Now, doesn't that indicate that the up to six months
6 free rent would be prior to going on the air, while the
7 improvements are being made and you're completing installation
8 of equipment?

9 A Well, that would assume that the improvements and
10 installation would take six months and I didn't anticipate
11 that.

12 Q Well, it doesn't say six months free rent. I don't
13 want to argue with you. It says what it says, but it says up
14 to six months free rent. And in fact --

15 A That's how I understood it.

16 Q Right above that, where there's a list of operating
17 expenses, isn't there an estimate of studio rental provided?

18 A Yes. And it says that studio rental is based on the
19 fact that the rental rates in Ventura County are lowest and
20 that you --

21 Q That's right.

22 A And that you get up to six months of free rent. So
23 my interpretation of this was that 750 for three months was
24 low, based on partly the low rents and partly the free rent.

25 Q And the free rent is while the improvements are

1 being made and while you are completing installation of office
2 and studio equipment. Isn't that what he says?

3 A Okay. I guess so.

4 Q Let me ask you to turn to Appendix C of Exhibit 5
5 and specifically Item B, First Three Months' Operating Costs.

6 A Yes.

7 Q Is there a provision in there for studio rental?

8 A No -- well, to the extent that "other miscellaneous"
9 covers it. But a separate line item, no.

10 Q Well, was "other miscellaneous" intended to include
11 studio rental?

12 A "Other miscellaneous" was intended to include
13 anything that I might've forgotten.

14 Q Well, you arrived at a number of \$1,850 for taxes,
15 legal, fees, and other miscellaneous. Can you explain how you
16 arrived at the \$1,850 figure?

17 A Well, I think I went through the list and Brett
18 Miller's letter and combined taxes and music license fees --
19 well, taxes, license, insurance, and then music license fees.
20 That's how it worked. No, I'm sorry. Monthly music -- I'm
21 sorry. Taxes, license, insurance, and then just gave it some
22 extra for whatever I might've forgotten.

23 Q Now, look at Mr. Miller's item for contract engineer
24 in his letter. He has \$350 a month, does he not?

25 A Yes, he does.

1 Q What figure do you have for the use of a contract
2 engineer on Appendix C?

3 A I have 125.

4 Q What is the basis for your use of \$125 a month?

5 MR. THOMPSON: I'm going to object, only to the
6 extent that the answer to that question may involve the
7 attorney/client privilege.

8 JUDGE FRYSIK: Let's hear that question again.

9 MR. MILLER: The question is -- Ms. Selznick has
10 stated that she has relied on Mr. Miller's estimates of costs
11 for her present proposal and I pointed out that Mr. Miller
12 estimated \$350 a month for a contract engineer whereas Ms.
13 Selznick indicates \$125 a month and I've asked her the basis
14 for her \$125 a month estimate.

15 MR. THOMPSON: Let me -- Your Honor, may I just make
16 certain? You're not contending that Ms. Selznick adopted
17 completely and without exception the numbers or any of the
18 figures in the three-page document you gave to her, are you?
19 I mean, that's not a premise to your question, is it, Mr.
20 Miller?

21 MR. MILLER: No. But Ms. Selznick has testified
22 that she relied, among other things --

23 MR. THOMPSON: Right.

24 MR. MILLER: -- on Mr. Miller's approach.

25 MR. THOMPSON: All right. That's fine. I mean, I

1 --

2 MR. MILLER: Okay? And I asked her --

3 MR. THOMPSON: I think your question is a fair one.
4 I just wanted to make sure that you weren't leaving the
5 inference that she picked up wholesale and adopted Mr.
6 Miller's because I think you've correctly pointed out her
7 testimony said that she relied upon Mr. Miller, among others.

8 MR. MILLER: And I asked her who the others were.

9 WITNESS: On that one, it would've been advice of
10 counsel.

11 JUDGE FRYSIK: I didn't hear you.

12 WITNESS: Advice of counsel.

13 BY MR. MILLER:

14 Q Now, let's go up under construction costs to Item 5,
15 antenna plus transmission line, et cetera, \$3,105.

16 A Right.

17 Q In your budget which you have there, the one you
18 prepared in 1991 --

19 A Yes?

20 Q -- what model antenna are you proposing there?

21 MR. THOMPSON: Your Honor, I object to the question
22 on grounds of relevance.

23 MR. MILLER: I'll get there.

24 MR. THOMPSON: Because I think Mr. Miller -- and as
25 well as foundation. I don't think Mr. Miller has established

1 that that is the engineering, technical proposal that is
2 currently pending.

3 MR. MILLER: I'd like to show the witness, and first
4 to her counsel, a page from an amendment to Ms. Selznick's
5 application received by the Commission February 24, 1992,
6 during the amendment period, which was an engineering
7 amendment and specifically identified the proposed antenna
8 model in the application. Counsel, would you agree that this
9 is a copy of the page that appears in Ms. Selznick's
10 amendment?

11 MR. THOMPSON: Yes. It appears to be.

12 BY MR. MILLER:

13 Q Ms. Selznick, would you look at this page which your
14 counsel has said was contained in the amendment to your
15 application and tell me what model antenna is specified on
16 that page?

17 A It says proposed antenna, Jam Pro, Model JLLP-2.

18 Q Now, have you, subsequent to that amendment, ever
19 filed a further amendment to your application to change the
20 model of your antenna? I'll stipulate that I have seen no
21 such amendment.

22 MR. THOMPSON: Well, I think there's an evidentiary
23 lacuna here. To be fair, Your Honor, I think what appears on
24 Mr. Miller's statement is Mr. Miller's recommendation based
25 upon an antenna that he had specified. I don't think there's

1 any evidence on the record that Ms. Selznick has accepted
2 anything more than Mr. Miller saying that this particular
3 antenna would cost this amount and therefore, there's no
4 evidence on the record right now that Ms. Selznick does not,
5 in fact, intend to continue to propose what is Figure 3 to her
6 February 1992 amendment.

7 Just because Mr. Miller says a Buick will cost you
8 about \$25,000 just because the Pontiac was specified in the
9 '92 amendment still doesn't mean that she's not able to accept
10 his figure even though he didn't use the antenna company that
11 she's using. That's the problem with Mr. Miller's argument
12 here. He hasn't proven that she has abandoned his particular
13 antenna. He hasn't even asked her about that. He has no
14 foundation for where he's going.

15 MR. MILLER: Well, I certainly did, Your Honor.
16 Before I got into this, I called her attention to Item Number
17 5.

18 MR. THOMPSON: But just because Brett Miller puts
19 down some words on a piece of paper --

20 MR. MILLER: But that's not Brett Miller's -- this
21 is your client's testimony.

22 JUDGE FRYSIK: But it doesn't identify the antenna.

23 MR. MILLER: Yes, it does. 2-Bay, Hall Electronics.

24 JUDGE FRYSIK: Does that read the same as what you
25 used in the amendment?

1 MR. MILLER: The amendment is a Jam Pro. This is a
2 Hall Electronics. It's a different antenna totally.

3 JUDGE FRYSIK: Do we have three descriptions of an
4 antenna or two? What do we have? You keep referring to the
5 budget, the original budget which I don't have.

6 MR. MILLER: The original budget, which Mr. Thompson
7 objected to on the basis that I didn't have a foundation, I
8 was going to point out that the original budget contained a
9 price for the Jam Pro antenna, the same antenna that was
10 specified in her application.

11 JUDGE FRYSIK: All right. And you're saying that
12 this is not the same antenna as listed in the Appendix C?

13 MR. MILLER: Appendix C. That's correct.

14 JUDGE FRYSIK: So your point is whether an
15 amendment was filed for Appendix C.

16 MR. MILLER: Well, I'm saying that Appendix C
17 conflicts -- the antenna specified in Appendix C conflicts
18 with what's on file in her application and I would argue that
19 she should be held with a higher priced antenna because that's
20 what her application has specified from Day One, or at least
21 from the amendment as a right-amendment.

22 MR. THOMPSON: I see your argument. I'm just not
23 sure you get with it to where you think you get with it. But
24 I mean, again, I'd like to object to the --

25 JUDGE FRYSIK: There's an apparent discrepancy and

1 I guess you can explore that, yes.

2 MR. THOMPSON: Exactly. I mean, I think that's what
3 you ought to do, is ask the witness questions about these
4 antennas.

5 MR. MILLER: Let me refer you to your 1991 budget,
6 Ms. Selznick, and ask you the question that I asked before.

7 MR. THOMPSON: You're talking about the budgetary
8 figures that we looked at a few minutes ago.

9 BY MR. MILLER:

10 Q The budgetary figures that you prepared in 1991.

11 A Right.

12 Q Now, does -- is there an antenna specified in that
13 -- a price for an antenna specified in that budget?

14 A Yes.

15 Q Is the antenna identified?

16 A Yes.

17 Q And what is the identification of the antenna?

18 A Andrew JLLP-2, the antenna, a 2-bay.

19 Q And what is the price for that antenna?

20 A \$3,900.

21 JUDGE FRYSIK: Now, I'll refer you to the amendment
22 that was filed in '92. Is that the same antenna specified in
23 that amendment? Is that the -- or is it a different antenna?

24 WITNESS: No, it's a different brand. We've got an
25 Andrew here and a Jam Pro here.

1 MR. MILLER: Let me point out and perhaps clarify --

2 WITNESS: But they seem to be the same model,

3 JLLP-2.

4 JUDGE FRYSIK: They are the same model?

5 WITNESS: Different supplier, same model number.

6 MR. THOMPSON: Let me -- there may just be a mistake
7 in the transmission line. Andrew is known for transmission
8 lines.

9 MR. MILLER: Let me show, first counsel and then Ms.
10 Selznick, two pages which were exchanged in discovery and
11 marked 3 and 4 on my notation. This is a facsimile
12 transmittal from Hammett and Edison, Ms. Selznick's consulting
13 engineers, dated December 4, 1991, a cover page, and then the
14 subsequent page is entitled Estimated Material Costs for
15 Transmission Equipment and I will represent that there is
16 described an antenna, a 2-bay Jam Pro, JLLP-2, cost, \$3,900.

17 BY MR. MILLER:

18 Q And would you agree that the antenna costed by
19 Hammett and Edison is the same antenna that is specified in
20 your amendment?

21 A Yes.

22 Q And the cost is \$3,900 for that antenna. Is that
23 correct?

24 A That's what Hammett and Edison says, yes.

25 JUDGE FRYSIK: I guess the follow-up question is

1 whether the antenna specified in your Appendix C is the same
2 antenna as you submitted in your amendment in '92.

3 MR. MILLER: February '92.

4 JUDGE FRYSIK: Is it?

5 WITNESS: I don't know the answer to that question,
6 Your Honor. I sent my amendment to Brett Miller so that he
7 could make this list and give me a cost estimate -- give me
8 costs for each thing that was needed. What I would conclude
9 is that Brett Miller, with his engineering experience, has
10 concluded that a Hall, 2-bay antenna is readily substitutable
11 for a Jam Pro, 2-bay antenna. That's the only conclusion I
12 can draw because he did have my amendment in-hand when he drew
13 up this list.

14 JUDGE FRYSIK: All right. I've got you.

15 BY MR. MILLER:

16 Q In fact, if you look at the August 26th letter, Item
17 Number 5 states 2-bay antenna (Hall).

18 A Right.

19 Q At \$1,875, right?

20 A Yes. But it doesn't --

21 MR. THOMPSON: And is there a question, Mr. Miller,
22 because -- again, just to be fair to the witness, Appendix C
23 to her exhibit is not -- is a cost figure of \$3,105 that also
24 includes connectors, adapters, 200 feet of transmission line.
25 Would you agree?

1 MR. MILLER: Well, who's questioning here?

2 MR. THOMPSON: No, it's a point of clarification.
3 You wanted the witness to look at the difference between 3,105
4 and 1,875 and I'm saying is that really fair to compare apples
5 and oranges? Because 3,105 is a figure which summarizes all
6 of those costs that are identified in Item 5 whereas when you
7 refer to Mr. Brett Miller's figure of 1,875, that was for the
8 2-bay antenna itself.

9 MR. MILLER: Your Honor, I'd like to have this
10 three-page letter, August 26, 1993 to Ms. Selznick from Brett
11 Miller, marked for identification as Selznick -- as Clanton
12 Exhibit --

13 MR. THOMPSON: Absolutely. No objection.

14 MR. MILLER: -- Three and I'd offer it into
15 evidence. I have two copies. I thought I had a third.

16 JUDGE FRYSIK: All right. I'll receive your
17 exhibits without objection.

18 (Whereupon, the document referred to
19 as Clanton Exhibit No. 3 was marked
20 for identification and received into
21 evidence.)

22 BY MR. MILLER:

23 Q Now, Ms. Selznick, your 1991 budget includes \$1,000
24 for an air conditioner, does it not?

25 A Yes, it does.

1 Q And is your understanding that that air conditioner
2 would be installed in the building with the transmitter?

3 A Yes. I think so.

4 Q It gets pretty hot in Oxnard in the summer, doesn't
5 it?

6 A Yes, it does.

7 Q Does your Appendix C budget include a provision for
8 an air conditioner?

9 A I'm sorry. I was looking in the wrong place. Not
10 specifically, but then again, I do have a miscellaneous
11 category for those things that I may have forgotten -- if an
12 air conditioner is necessary.

13 Q And which item is that?

14 A That would be Number 16.

15 Q Was Item 16 based on a summation of individual items
16 in any way?

17 A Well, it partly came from Brett Miller's
18 recommendation on taxes and shipping.

19 Q And what was that recommendation?

20 A \$5,000.

21 Q Now, you have a miscellaneous labor and installation
22 of \$5,000 in Appendix C, right?

23 A Right.

24 Q Did Brett Miller have a recommendation for that
25 item?

1 A Yes, he had labor.

2 Q And what was the amount?

3 A He said \$5,000.

4 (Pause.)

5 JUDGE FRYSIK: Is there a question pending?

6 MR. MILLER: No, there isn't. Just one moment, Your
7 Honor.

8 BY MR. MILLER:

9 Q Do you intend to have a news wire at your radio
10 station, Ms. Selznick, when you start?

11 A I hadn't really focused on that.

12 Q Did you -- when you prepared your 1991 budget, did
13 you have a provision in there for a news wire?

14 A I believe I did. Yes.

15 Q And how much did you allot for the news wire in that
16 1991 budget?

17 A For what, annual, monthly, or three months?

18 Q Three months.

19 A News wire services, I have \$1,625.

20 Q Do you intend to promote your station, should you
21 get it, prior to and when it first goes on the air?

22 A Yes.

23 Q Is there a budgetary allowance for promotion
24 expenses?

25 MR. THOMPSON: Objection. No foundation. He's

1 making the assumption that to promote a station, it's
2 necessary to expend money, cash outflowing system.

3 JUDGE FRYSIK: Sustained. Would you rephrase the
4 question?

5 BY MR. MILLER:

6 Q How do you intend to promote your station?

7 A I was going to say there are a number of ways to do
8 that without laying out cash. One, there are all kinds of
9 promotions that don't cost any money at all, no matter how you
10 slice it, and many of which I've done in Ithaca, and Number 2,
11 generally, my experience in Ithaca was that promotion in
12 newspapers was done in trade and much or most of it pretty
13 much was done in trade.

14 Q Have you talked to any papers in the El Rio vicinity
15 about potential trading?

16 A No.

17 Q You mentioned your experience with a station in
18 Ithaca. That had been on the air for a considerable period of
19 time when you became involved in it, hadn't it?

20 A Absolutely.

21 Q And it had an audience -- significant audience at
22 the time you became involved in it, did it not?

23 A It certainly did.

24 Q Do you have any personal experience regarding the
25 willingness of newspapers to trade with a brand new station?